

May 10, 2005



VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *Ex Parte* Comments of Lightyear Network Solutions, LLC
IP-Enabled Services Rulemaking, WC Docket No. 04-36**

Dear Ms. Dortch:

Lightyear Network Solutions, LLC ("Lightyear" or "Company"), hereby submits these *ex parte* comments in connection with Voice Over Internet Protocol ("VoIP") and 911 services.

Lightyear is a competitive local exchange and interexchange carrier that serves more than 100,000 commercial and residential customers throughout the United States. In addition to its traditional local exchange and long distance services, the Company also has begun offering a VoIP service. Lightyear has seen tremendous interest in these innovative new products and VoIP services represent an increasing share of Lightyear's competitive communications offerings. VoIP offers companies like Lightyear a real opportunity to develop and deploy technology that meets specific customer needs and in that regard VoIP represents a true competitive alternative to traditional telephony products that most incumbent providers offer today. At the outset, Lightyear would like to express its staunch support for the Commission's efforts to examine the issue of 911 in the context of VoIP services. Indeed, VoIP 911 is an important issue that requires careful thought and consideration by both the Commission and industry participants. To that end, Lightyear implores the Commission to ensure that any 911 VoIP mandate that the Commission is considering is well thought out and reflects the current developmental state of VoIP services. In particular, Lightyear urges the Commission not to impose 911 requirements at this time on VoIP services that, as a practical matter are portable or marketed as such. As described below, there are significant implementation issues associated with deploying 911 capabilities in a portable environment. The Commission and industry participants need more time to develop appropriate 911 solutions and the many challenging technical and legal issues surrounding 911 and nomadic VoIP services should be considered in a Further Notice of Proposed Rulemaking in this docket.

Today, VoIP providers that offer services to customers that want a portable VoIP solution have no means to provide nationwide access to dispatchers at local Public Safety Answering Points ("PSAPs"). Although Lightyear is a CLEC with multiple interconnection agreements it does *not* currently provision VoIP 911 services through its affiliated CLEC. Lightyear can and does provision dedicated 911 services to *fixed* VoIP customers who have indicated that their telephone number is geographically native to their location. Even for fixed customers, however, this capability is available in very limited geographic areas.



For Lightyear's VoIP customers who require portability or non-native number assignments, Lightyear cannot provision "wireline type" 911 call delivery for its VoIP customers. These limitations are clearly disclosed. Where Lightyear is a certificated CLEC, the ILECs have not made available to Lightyear (via its own interconnection agreements or those of third party providers) any access to the wireless databases that would allow the company to "steer" a non-native telephone number through the selective routers. Even if ILECs were to make this access available, Lightyear does not have interconnection agreements with all carriers, including many RLECs that are not required to interconnect with Lightyear. Accordingly, even as a CLEC Lightyear could not *purchase access* to the selective routers necessary to provision VoIP 911 through incumbent selective routers.

Telecommunications and VoIP providers are exploring how best to deliver 911 VoIP calls and calling party location information to the correct local PSAP where the caller is using non-geographic numbers. Providers and industry groups have made important progress but no solution has yet been established. A recent trial in Rhode Island successfully demonstrated that broadband VoIP services could include 911 services under certain circumstances and limitations. One other solution being explored is a 911 call delivery system similar to those currently used by wireless carriers. This approach, which relies on access to the ILECs' selective routers and assignment of pseudo-ANI numbers ("pANI"), does allow 911 calls made using non-geographic numbers to be delivered to the correct local PSAP. That solution has promise but, to date, ILECs have not permitted VoIP providers to obtain the necessary services to provide E911 services. Moreover, as a practical matter, this may be a potential solution for VoIP providers with a nationwide presence (that are well-positioned to establish the trunks, gateways and negotiated interconnection agreements that would be required in every location across the country) but it is not currently a feasible solution for the many VoIP providers like Lightyear with a much smaller regional presence.

More study and development needs to be done to establish a feasible 911 solution for portable VoIP services and the consumers who use this service. Lightyear strongly urges the Commission to facilitate the progress made on 911 solutions to date and continue its consideration of these issues as part of a Further Notice of Proposed Rulemaking proceeding.



That proceeding should aim to establish a workable 911 solution that will not only allow consumers full access to emergency services but also allow consumers to continue to enjoy the many unique benefits of nomadicVoIP services and other innovative Internet-based services.

If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sherman Henderson, III".

J. Sherman Henderson, III
President and CEO
Lightyear Network Solutions, LLP

cc: Chairman Kevin J. Martin (FCC)
Commissioner Kathleen Q. Abernathy (FCC)
Commissioner Michael J. Copps (FCC)
Commissioner Jonathan S. Adelstein (FCC)
Dan Gonzalez (FCC)
Thomas Navin (FCC)